



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-02014NS

Friday March 20, 2020

Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 C.F.R. §§ 63.18, 63.24); Section 310(b) Petitions (47 C.F.R. § 1.5000)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission. Pursuant to Section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

Pacific Telecom Inc. (Pacific Telecom) and its indirect wholly owned subsidiary PTI Pacifica Inc. (PTI Pacifica) (together, Petitioners) have filed a petition for a new declaratory ruling (Petition) pursuant to section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), and section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), to allow PTI Pacifica to control any type of common carrier license in any geographic area in accordance with the foreign ownership rules in sections 1.5000 through 1.5004 of the rules, 47 CFR §§ 1.5000-1.5004. PTI Pacifica currently holds cellular, PCS, lower 700 MHz, LMDS, and UMFUS licenses. It also holds private microwave licenses.

PTI Pacifica, incorporated in the Commonwealth of the Northern Mariana Islands (CNMI), is a direct wholly owned subsidiary of the Micronesian Telecommunications Corporation (MTC), a CNMI corporation, which is the incumbent local exchange carrier in the CNMI. In turn, MTC is wholly owned by Pacific Telecom, also a CNMI corporation. Pacific Telecom is majority-owned (85% equity interest; 100% voting interest) by Prospector Pacific Investments Inc. (PPII), a CNMI corporation. SK Telecom Co. Ltd. (SK Telecom), a publicly traded corporation formed in South Korea and listed on the Korea Stock Exchange, holds the remaining 15% equity and voting interests in Pacific Telecom. PPII is a direct wholly owned subsidiary of Citadel Pacific, Ltd. (CPHL) (formerly known as Prospector Investments Ltd.), a Cayman Islands corporation. CPHL is majority-owned by two related individuals, both of whom are citizens of the Philippines: Ricardo C. Delgado (53.99% equity interest; 100% voting interest); and his son, Jose Ricardo Delgado (36.25% equity and voting interest). The remaining 9.76% ownership interest in CPHL is held by Classroom Investments Inc., a Canadian corporation, which is a direct wholly owned subsidiary of Ontario Teachers' Pension Plan, a Canadian pension plan.

According to the Petition, the Commission on five occasions has issued foreign ownership rulings to PTI Pacifica in connection with its acquisition of licenses in the above-referenced wireless services in particular geographic service areas. See Bell Atlantic New Zealand Holdings, Inc., Order and Authorization, 18 FCC Rcd 23140 (2003) (2003 Acquisition Order); Bell Atlantic New Zealand Holdings, Inc., Assignor, and GTE Pacifica, Inc., Assignee, Order, 21 FCC Rcd 12079 (2006); International Authorizations Granted, Public Notice, 23 FCC Rcd 8372, 8373 (2008); IT&E Overseas, Inc., Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd 5466 (2009); International Authorizations Granted, Public Notice, 25 FCC Rcd 16939 (2010). These service- and geographic-specific rulings precede the Commission's 2013 adoption of foreign ownership rules applicable to common carrier licensees in Foreign Ownership Second Report and Order, IB Docket No. 11-133, DA 13-50, 28 FCC Rcd 5741 (2013), as amended in GN Docket No. 15-236, FCC 16-128, 31 FCC Rcd 11272 (2016). In the instant petition, the Petitioners seek authority to enter into spectrum leases or acquire additional common carrier licenses for which PTI Pacifica has not previously received service-specific approval and for all geographic areas.

Pursuant to section 1.5001(i) of the rules, Petitioners request that the Commission specifically approve the direct and/or indirect foreign equity and/or voting interests in PTI Pacifica's controlling U.S. parent, Pacific Telecom, by the following foreign individuals and foreign-organized entities: Ricardo C. Delgado (45.89% equity, 100% voting) (Philippines); Jose Ricardo Delgado (30.81% equity, 30.81% voting) (Philippines); Citadel Pacific Ltd. (85% equity, 100% voting) (Cayman Islands); SK Telecom Co. Ltd. (15% equity, 15% voting) (South Korea); Classroom Investments Inc. (8.3% equity, 8.3% voting); and Ontario Teachers' Pension Plan (8.3% equity, 8.3% voting) (Canada).

Pursuant to section 1.5001(k)(1) of the rules, Petitioners request advance approval for Ricardo C. Delgado and Citadel Pacific Ltd., through which Mr. Delgado holds his controlling interest in Pacific Telecom, to increase their respective interests in Pacific Telecom up to and including 100% of Pacific Telecom's direct and/or indirect equity and/or voting interests. Petitioners also request advance approval, pursuant to section 1.5001(k)(2) of the rules, for Jose Ricardo Delgado, Classroom Investments Inc., Ontario Teachers' Pension Plan, and SK Telecom Co. Ltd. to increase their respective interests in Pacifica Telecom up to and including a direct and/or indirect non-controlling 49.99% equity and/or voting interest, whether held individually or collectively.

The Petitioners request that the Commission condition grant of the requested authority on Pacific Telecom's continued compliance with the national security agreement among Pacific Telecom and MTC, on the one hand, and the Department of Justice, Federal Bureau of Investigation, Department of Defense and Department of Homeland Security, on the other, dated October 6, 2003. The agreement is incorporated as an appendix to the 2003 Acquisition Order. See 18 FCC Rcd 23140, Appendix B.

Interested parties may file comments on or before April 3, 2020, and reply comments on or before April 10, 2020.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–2003.